

03/08



# RIGHT OF WAY AND UTILITIES DIVISION

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## RIGHT OF WAY ACQUISITION AND ASSOCIATED SERVICES

### CONSULTANT PREQUALIFICATION QUESTIONNAIRE



## ACQUISITION OF RIGHT OF WAY AND ASSOCIATED SERVICES

### I. Purpose

The Virginia Department of Transportation (VDOT) intends to request proposals (RFP) from Right of Way consulting firms who wish to be considered for providing services necessary for the acquisition of rights of way on transportation construction and maintenance projects. Only those firms that have submitted the necessary information outlined below and have been approved as being prequalified will be considered for a contract in response to a request for proposal (RFP).

### II. Minimum Qualifications

- A. It will be required of interested persons, corporations, or partnerships expressing interest that the services requested, relating specifically to rights of way acquisition, be performed according to current United States Department of Transportation/Federal Highway Administration guidelines and policies, Virginia Department of Transportation policies and procedures, and applicable federal and state laws. The consultant firms shall have a demonstrated ability to perform these services according to federal and state laws, rules, regulations, and policies.

As a part of or in addition to the above, the firm shall have personnel with experience in the following:

#### Appraisals

Personnel proposed to be used in the appraisal of the proposed right of way acquisition shall have a minimum of five years experience in the appraisal of real estate for public acquisition. This shall include the appraisal of partial acquisitions as well as entire properties. The appraiser shall also have an active Virginia Certified General License or out of state appraisers must have a reciprocal Certified General License.

Evidence of this experience will be in sufficient detail on the résumé to satisfy the requirements.

#### Relocations

Personnel proposed to be used in the relocations of families and businesses involved in the acquisition of property (real, personal, and mixed) for the construction, reconstruction, and maintenance of the public highways of the Commonwealth shall have a minimum of two years of demonstrated experience in relocations in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended (49 CFR Part 24 and Title 25, Chapter 6, 1950 Code of Virginia). Evidence of this experience will be in sufficient detail on the résumé to satisfy the requirements.

#### Negotiations

Personnel proposed to be used in the negotiation of right of way acquisition shall have a minimum of two years of demonstrated experience, the ability to read and interpret complex highway plans and to write property descriptions utilizing the centerline method. Evidence of this experience will be in sufficient detail on the résumé to satisfy the requirements.

#### Project Manager

This individual is responsible for the administration and coordination of all activities involving the acquisition of rights of way, relocation of families and/or businesses, and the clearing of parcels for construction along with the relocation of utilities in conflict with the project. The Project Manager must demonstrate extensive knowledge in appraisal, negotiations, and relocations including utilities and may be a key person performing one or more of these functions. The Project Manager shall have at least five (5) years of experience in managing complex right of way projects. Evidence of this experience will be of sufficient detail on

the résumé to satisfy the requirements. The Project Manager will ensure that all work is performed in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Code of Virginia, (1950 as amended) specifically Titles 15, 25, 33 and 56, and the Right of Way and Utilities Manual of Instructions, Volumes I and II.

*Note: For any individual or firm proposed to perform work in any of the above disciplines who is not a direct salaried employee or a subsidiary, there must be a signed letter of intent included in the submission.*

- B. The firm shall be adequately staffed either through its employees or through contractual arrangements so that it can acquire right of way on a 50-parcel project, involving four relocations, within a nine-month time frame.
- C. The firm shall have an overhead rate, average hourly rates, etc., that meet the pre-award audit criteria of VDOT's External and Construction Audit Division. Financial reports, including overhead rates, must have been prepared by a CPA following the Federal Acquisition Regulations (FAR). (See Attachment A for a checklist of complete requirements.)
- D. The Department assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants will be required to submit a Title VI Evaluation Report (EEO-D2). [Title VI Form](#)

### III. Application for Prequalification

The firm shall specifically address the following in its submission:

- 1. Submit a detailed statement indicating the organizational structure under which the firm proposes to conduct business. If more than one firm is involved in this proposal, state the type of arrangement between the firms and the percentile of work to be performed by each.

2. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed as an affiliate.
3. Indicate KEY PERSONNEL ONLY who will be assigned to the projects and give detailed work experience for each. Key personnel are defined as those to whom the project will be assigned and who will be performing the actual right of way services.
4. Provide information that will indicate your firm's ability to meet the time schedule for this work. It is anticipated that multiple assignments will be occurring during the life of the contract.
5. Indicate your previous experience with VDOT and current work with VDOT including the projects, the Division managing the projects, the amount of outstanding fee remaining, and the estimated date of completion. Also, include your estimated fees for any projects that the firm have been selected but not executed an agreement. Work of affiliated and/or subsidiary companies is to be included. (Current work with VDOT should only include right of way acquisition activities.) - See Present Workload with Department Form
6. Furnish copies of current GSA Forms 254 and 255 for all firms involved. The Form 255 must specify the number of personnel by discipline for each office where the work is to be performed. List only the personnel assigned to the office(s) at the time of this submission.

7. Furnish any other information you wish that would indicate your qualifications to perform the right of way work required under the proposed procurement.
8. Please indicate, by executing and returning the attached Certification Regarding Debarment forms, if your firm, subconsultant, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of federal funds:

Is currently under suspension, debarment, voluntary exclusion of determination of ineligibility by any federal agency;

Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years;

Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three years.

Any of the above conditions will not necessarily result in denial of an award but will be considered in determining offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in federal criminal prosecution or administrative sanctions.

10. 49 CFR Part 26 required VDOT to collect certain data about firms attempting to participate in VDOT contracts; therefore it is essential that you complete the Firm Data Sheet.

Firms interested in being considered must reply with three copies giving qualifications, experience, and availability for performing the required services.

11. Send to: Mr. S. A. Waymack, Director  
Right of Way and Utilities Division  
Attn: Mrs. Vicki B. Campbell  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

IV. Expiration

Prequalified firms are required to submit for renewal once every two years or on other intermediate occasions as may be considered necessary. Financial information and Title VI requirements must be updated annually.

V. Performance Evaluation

VDOT's District Right of Way and Utilities Managers are required to complete a Performance Evaluation on each prime consultant completing a contract. This report will be used as a basis for determining the consultant's performance and ultimately determining the consultant's prequalification status.

VI. Appeals

If it is determined that the consultant firm is not qualified to perform right of way acquisition services, they may request a meeting with the Director of the Right of Way and Utilities Division. At that time they may provide additional information regarding the reasons VDOT did not find the consultant to be qualified. The Director of the Right of Way and Utilities Division shall provide his final determination in writing within five days.

This final decision may be appealed in writing to the Commonwealth Transportation Commissioner.

The Department assures compliance with Title VI requirements of nondiscrimination in all activities pursuant to its procurements.

Approved:

	3/17/08
S. A. Waymack	Effective Date
Director, Right of Way and Utilities Division	



# ATTACHMENT A

## CHECKLIST FOR FINANCIAL INFORMATION FROM CONSULTANT

1. Current actual or average hourly rates (unloaded/bare rates) by classification (certified by responsible official). (Supported by actual payroll registers) Attach a separate sheet with names indicating current classifications as shown on Attachment A. This will facilitate the auditing process. (See example – Supplement to Attachment A)
2. Schedule of General and Administrative expenses supporting an overhead rate developed by the consultant for FYE(s) requested, indicating all individual accounts and amounts, including any FAR (Federal Acquisition Regulation) non-allowables such as interest, entertainment, etc.
3. Complete CPA report(s) for requested FYE(s). The consultant should submit a FAR overhead audit, or state or federal overhead audit if available, for use as a provisional rate on this project. An indirect cost rate (overhead) established according to FAR and audited by a cognizant government agency or independent CPA firm will be required.
4. Full explanation of any corporate allocation, indicating accounts, amounts and method of allocation.
5. Complete description of accounting system, list of officers/principals, organizational chart, chart of accounts, and company brochures.
6. Development of rates for in-house computer, reproduction or other rates used by the firm.
7. Relationship between firm and lessor for rental charges. If common control exists, financial information (Balance Sheet, Income Statement, and Tax Return) of the lessor will be required.
8. Federal Employer Identification Number.
9. Copy of current payroll register.

Questions regarding audit procedures should be directed to  
Mr. Judson Brown, External and Construction Audit Division Administrator  
(804) 225-3597.

Firm Name \_\_\_\_\_  
Year \_\_\_\_\_

## ATTACHMENT A

CLASSIFICATION	AVERAGE WAGE RATE/ PER CLASSIFICATION +	PAYROLL BURDEN & OVERHEAD + FACILITIES COST OF CAPITAL +	FIXED BILLABLE RATE	FBR TO ESTABLISH NET FEE
PARTNER/PRINCIPAL				
RIGHT OF WAY MANAGER				
APPRAISER				
APPRAISER TECHNICIAN				
RIGHT OF WAY TECHNICIAN				
RIGHT OF WAY SPECIALIST				
RELOCATION SPECIALIST				
RELOCATION SPECIALIST TECH.				
DRAFTSMAN				
SECRETARY				
OTHER (SPECIFY)				

\*NOTE: FBR TO ESTABLISH NET FEE CANNOT INCLUDE FACILITY COST OF CAPITAL.

\*NOTE: FIXED BILLABLE RATES TO BE DETERMINED IN ACCORDANCE WITH VDOT POLICY.

\*\*NOTE: INDICATE PERSON(S) ASSIGNED TO THIS CLASSIFICATION FOR AUDIT PURPOSES

Firm Name \_\_\_\_\_  
Year \_\_\_\_\_

Supplement to Attachment A

Mac Doe	Principal
John Doe	Right of Way Manager
Jane Doe	Senior Right of Way Specialist
Tom Doe	Right of Way Specialist
Tammy Doe	Right of Way Technician
Jimmy Doe	Relocation Specialist
Janet Doe	Relocation Technician
Susie Doe	Secretary

### PRESENT WORKLOAD WITH DEPARTMENT

(List Amount of Each With VDOT by Division)

[illegible]

For any work that has been exempted by VDOT, you must include a copy of the exemption letter with this submittal.

Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall not be included. Work being performed as a prime or joint venture on a Design-Build project shall be included.

† The outstanding workload of any certified DBE or SWaM prime and subconsultant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any work obtained after graduating from the program will be counted.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
AND OTHER RESPONSIBILITY MATTERS - PRIMARY COVERED  
TRANSACTIONS**

- (1) The prospective primary participant certifies, to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; and have not been convicted of any violations of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the firm for contracts to be let by the Commonwealth Transportation Board.

Signed at \_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY  
AND VOLUNTARY EXCLUSION - LOWER TIER COVERED TRANSACTIONS**

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the firm for contracts to be let by the Commonwealth Transportation Board.

Signed at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

_____	_____	_____
Signature	Title	Date

## FIRM DATA SHEET

Project No.: \_\_\_\_\_

Right of Way and Utilities Division

The prime consultant is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Proposals not including all of the required data will not be considered.

Firm's Name and Address	Firm's DBE/SWAM Status *	Firm's Age	Firm's Annual Gross Receipts

\* YD = DBE Firm Certified by DMBE

N = DBE/SWAM Firm Not Certified by DMBE

NA = Firm Not Claiming DBE/SWAM Status

YS = SWAM Firm Certified by DMBE. Indicate whether small, woman-owned, or small business.